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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,739	08/22/2001	James E. Croley	1191.05	6927

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EXAMINER

HUYNH, BA

ART UNIT PAPER NUMBER

2179

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/933,739	CROLEY, JAMES E.	
	Examiner	Art Unit	
	Ba Huynh	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being obvious over US Patent

Application 2003/0220891 (Fish).

- As for claims 1, 7, 8: Fish teaches a computer implemented method of entering, updating, and displaying of related data on a single screen page (see the abstract), comprising the steps of:

configuring a data form (figure 1a) intended for real-time use, during a physical examination or a technical inspection (0001), into a geometry sufficient to display the entirety thereof upon a single screen page of a computer monitor (0039),

providing a plurality of menus, each includes a selectable subset of menus displayed in a drop-down list having alpha-type entries for a plurality of data fields 154b (figures 1a,b),

storing each completed data form thereby defining a historical data form (0019), 0103),

designating certain data fields thereof as key default data fields (0092 – 0094), and

displaying on a single screen all data entries of the key default data entries (figure 12).

Fish fails to clearly teach that the method/system is intended to be used during a physical examination or technical inspection. However, the intended field of use in physical examination does not distinguish over Fish's generic teaching of information management (0001-0002). Fish's disclosure is capable for managing information in physical examination, and thus the entering of physical examination information would have been an obvious intended field of use.

- As for claim 2: The default fields are dynamically linked to a plurality of reference menus corresponding to prior generations of the same subject matter (0092-0094; 0101-0103).
- As for claim 3: A report addressable to a third party is generated (0054; figure 3).
- As for claims 4, 5: Dynamically linked graphical annotations are provided for the user to enter comments (0045).
- As for claim 6: Fish fails to clearly teach that the dynamically linked menu includes at least a dynamically linked submenu. However Official notice is taken that implementation of menu hierarchy having submenu is well known in the art of menu interface. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known implementation of menu hierarchy to Fish. Motivation of the combining is for presenting the menu in a hierarchy order.

Response to Arguments

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3. Applicant's arguments filed 10/6/04 have been fully considered but they are not persuasive.

REMARKS:

This instant CIP application substantially contains new subject matter added into the specification. The new subject matter, as disclosed in figures 1-3 and corresponding descriptions, provides support for the written description requirement (i.e., "how to make" and "how to use") for the claimed languages "configuring a data from", "providing a plurality of Windows-based reference menus", "providing a multiple choice menu", "selectably entering data", "defining historical data from", "designating certain data fields as key default fields", and "dynamically linked" (of the entries and the data fields, as oppose to non-dynamically link. See the spec, page 11). The above claimed limitations are not support by an adequate description in the parent application. It has been held that the effective filing date of a CIP application whose claims are not supported by the parent application is the filing date of the CIP. See MPEP 2133.01. Accordingly the filing date of the parent application 09/046,490 can not be used for the benefit of the above claimed limitation.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272 4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
1/27/05


**BA HUYNH
PRIMARY EXAMINER**